
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:24-cv-00709-JLS-MRW

Date: February 08, 2024

Title: Juan Manuel Olivares Romero v. Marshalls Of CA LLC et al

Present: Honorable JOSEPHINE L. STATON, UNITED STATES DISTRICT JUDGE

Gabby Garcia
Deputy Clerk

N/A
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

Not Present

Not Present

**PROCEEDINGS: (IN CHAMBERS) ORDER TO SHOW CAUSE RE: REMAND
FOR LACK OF SUBJECT-MATTER JURISDICTION**

Defendant Marshalls of CA, LLC removed this employment-discrimination action from state court, invoking this Court’s diversity jurisdiction. (NOR, Doc. 1 ¶ 6.) One of Defendant’s sub-members is NBC Trust, “a business trust organized under the laws of the State of Massachusetts.” (*Id.* ¶ 25.)

For purposes of diversity jurisdiction, there are two types of trusts: “(1) traditional trusts establishing only fiduciary relationships and having no legal identity distinct from their trustees, [and] (2) the variety of unincorporated artificial entities to which states have applied the ‘trust’ label, but which have little in common with traditional trusts.” *Demarest v. HSBC Bank USA, N.A. as Tr. for registered holders of Nomura Home Equity Loan, Inc., Asset-Backed Certificates, Series 2006-HE2*, 920 F.3d 1223, 1229 (9th Cir. 2019) (citation omitted). The former type—a traditional trust—has “the citizenship of its trustee or trustees.” *Id.* at 1127 (citation omitted). The latter type—a non-traditional, unincorporated entity labeled a trust under state law—has the citizenship of each of its members. *Id.* at 1127–28.

Here, Defendant does not address which of these two categories a Massachusetts “business trust” falls within. Nor does Defendant allege the citizenship either of NBC Trust’s trustee(s) or its member(s). (See NOR, Doc. 1 ¶.)

As a result, the Court cannot assure itself of subject-matter jurisdiction. Therefore, Defendant is ORDERED to show cause, in writing, no later than **seven days**

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from the date of the Order, why the Court should not remand this action to state court for lack of subject-matter jurisdiction. Plaintiff has **seven days** thereafter to submit any response. No further briefing is permitted. Neither side's briefing shall exceed **five pages**. Following submission of the parties' briefing, the matter will be deemed under submission and the Court will thereafter issue an order.

Initials of Deputy Clerk: gga